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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,370	07/06/2001	Noboru Takada	33781	6021

116 7590 12/03/2004

PEARNE & GORDON LLP  
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CLEVELAND, OH 44114-3108

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/900,370

Applicant(s)

TAKADA ET AL.

Examiner

Brian C Genco

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 9-17 and 19-21.

Claim(s) objected to: 7.

Claim(s) rejected: 1-6, 8, and 18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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Applicant's argue that the amendment to the claim in the amendment of March 18, 2004 was merely for clarification and did not necessitate new grounds of rejection.

In response, Examiner notes that the amendment to the claim clearly changed the scope of the claim and did necessitate new grounds of rejection. In particular, the new grounds of rejection were modified to specifically deal with added limitation. As such, this argument is not deemed persuasive.

While the amendments to the claims are not being entered, Applicant has provided several arguments that are material to the previous grounds of rejection and as such will be answered herein bellow.

Applicant argues that there is no "actual" target screen in the Cambier device.

In response, Examiner notes that the limitation of an "actual" target screen was not claimed. Further, Examiner notes that Cambier discloses a virtual target screen which meets the claim limitations as broadly as claimed.

Applicant argues that Cambier does not disclose means for illuminating a target screen.

In response, Examiner notes that the virtual target screen of Cambier is illuminated by illuminator 130.

Applicant argues that the statement that the reference iris information cannot be overwritten since "if the information was overwritten, the information would be lost, and an

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authorized user would not be recognized” is not an accurate representation of the reference device and does not follow from the reference.

In response, Examiner notes that the object of the reference is to identify an unidentified person (column 2, lines 48-49). Applicant has provided an example where new accounts could be created by overwriting a previous authorized user. Examiner notes that this reasoning does not follow the teachings of the reference. In particular, the addition of new users does not mean that a previous authorized user would necessarily be overwritten since a flag could be used to indicate that a template is no longer an authorized user. Furthermore, in examining the prior art method of access to a vehicle, Cambier discloses that with a remote device possession of the remote device will provide access to the vehicle regardless of who has the device (e.g., column 1, lines 52-57). As such, the reference is very concerned with the security of the device, wherein the scenario of an unauthorized user stealing a remote access device, is analogous to the scenario of an unauthorized user overwriting a template so as to gain access. As such, so as to maintain the teachings of the reference to identify an unidentified user and maintain the security of the access point the iris information cannot be overwritten since if the information was overwritten, the information would be lost, and an authorized user would not be recognized and an unauthorized user could be added to gain access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco  
Examiner  
Art Unit 2615

November 29, 2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600